

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES EDWARDS,**  
**Plaintiff,**

**v.**

**PHILA PA,**  
**Defendants.**

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**CIVIL ACTION NO. 19-CV-1383**

**ORDER**

AND NOW, this <sup>10~~TH~~</sup> day of June, 2019, upon consideration of Plaintiff James Edwards's Prisoner Trust Fund Account Statements and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed in forma pauperis is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. James Edwards, #KB-5417, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Albion or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Edwards's inmate account; or (b) the average monthly balance in Edwards's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Edwards's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Edwards's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI Albion.

4. The Complaint is **DEEMED** filed.

5. Edwards's Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

The dismissal is without prejudice to Edwards filing a new case only in the event his conviction is reversed, vacated, or otherwise invalidated. Edwards should not file an amended complaint in this case.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

  
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CHAD F. KENNEY, J.